

U.S. DISTRICT COURT  
NORTHERN DIST. OF TX  
FT. WORTH DIVISION

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

2018 JAN -4 PM 4:37  
CLERK OF COURT

CQUENTIA SERIES, LLC and  
HTG SERIES, a series declared by  
CQUENTIA SERIES, LLC

*Plaintiffs,*

v.

CHANNEL (H), INC. and  
ROBERT CAPELLI,

*Defendants.*

Case No.: 4:17-cv-00919-A

State Court Cause No.: 348-295398-17

ORIGINAL

**APPENDIX IN SUPPORT OF DEFENDANTS' MOTION FOR LEAVE TO FILE  
AMENDED NOTICE OF REMOVAL**

Defendants Channel (H), Inc. ("Channel H") and Robert Capelli ("Capelli") (collectively "Defendants"), by and through their undersigned counsel, hereby files this Appendix in support of their Motion to for Leave to file an Amended Notice of Removal.

Document No.	Document	Appendix Pages
1	Declaration of Robert Capelli	3-10

Dated: January 4, 2018

Respectfully submitted,

Of Counsel:

Brett E. Lewis

(*pro hac vice* forthcoming)

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(*pro hac vice* forthcoming)

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*Attorneys for Specially Appearing Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on January 4, 2018, I served the following attorneys of record in accordance with the Federal Rules of Civil Procedure, including via email and electronic service:

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MARGARET HORTON APGAR

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS

CQUENTIA SERIES, LLC AND  
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CQUENTIA SERIES, LLC

*Plaintiffs,*

v.

CHANNEL (H), INC., AND ROBERT  
CAPELLI,

*Defendants.*

Case No.: 4:17-cv-00919-A

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**DECLARATION OF  
ROBERT CAPELLI**

I, Robert Capelli, declare under penalty of perjury under the laws of the United States of America that the following is true and correct:

1. I am the Chief Executive Officer of Plaintiff Channel (H), Inc. ("Channel (H)"). I make this declaration in support of Channel (H)'s Opposition to Plaintiffs' Joint Motion to Remand. I have personal knowledge of all matters stated herein, or I am familiar with the facts and circumstances of the instant action based upon records and files maintained by Channel (H), or upon publicly-available and generally verifiable records. If called as a witness could and would testify to the matters set forth herein.

2. I am aware that Plaintiffs' claim that I am a resident of California. This is not correct. Although I lived in California from 1998 to 2015, I moved to Amesbury, Massachusetts in August 2015.


3. At the time of the removal of this action on November 15, 2017, I was residing in Amesbury, Massachusetts, as my full-time, permanent residence and domicile.

4. A true and correct copy of my driver's license is annexed hereto as **Exhibit A**.

5. A true and correct copy of a recent bill, which displays my address is annexed hereto as **Exhibit B**.

6. Alan Meeker communicated to me that the UCSD account was worth over \$150 million over five years. Plaintiffs licensed Channel (H)'s preauthorization software solution to service the UCSD account, and have admitted to replacing Channel (H)'s "preauthorization software solution" with their own "preauthorization software solution." [Pet., ¶ 24]. A true and correct copy of an email from Alan Meeker to Robert Capelli, dated July 1, 2017, is annexed hereto as **Exhibit C**.

Dated: January 4, 2018  
Amesbury, Massachusetts

DocuSigned by:  
  
3EE2A1D095A2453...  
ROBERT CAPELLI

# Exhibit A

# MASSACHUSETTS

## DRIVER'S LICENSE



1a ISS

05/12/2017

4b EXP

2021

CLASS

12 REST

NONE

9a END

NONE

1 CAPELLI  
2 ROBERT EUGENE

8

AMESBURY, MA 01913

15 SEX M 16 HGT 5'-10"

Rev 02/22/2016

5 DD



*Chris C. Murray* REGISTRAR

*Robert Eugene Capelli*

# Exhibit B





ANNA JAKUES HOSPITAL

24 Morrill Place Amesbury, MA 01913

ROBERT EUGENE CAPELE

AMESBURY MA 01913

201-231-6888



# Exhibit C

From: **Alan Meeker** <[alan@cquentia.com](mailto:alan@cquentia.com)>  
Date: Sat, Jul 1, 2017 at 1:04 AM  
Subject: Contact  
To: "[robert@channelh.co](mailto:robert@channelh.co)" <[robert@channelh.co](mailto:robert@channelh.co)>

Robert

Just you and me here.

May we please have transparency here? Our UCSD account is worth in excess of \$150million over the next 5 years. If we are going to miss a go live target, that's ok, we just need to set people's expectations.

Please contact Kenny soonest.

**Regards,**  
**D. Alan Meeker**  
**Chief Executive Officer**



**4770 Bryant Irvin Court, Suite 300**  
**Fort Worth, Texas 76107**  
**Telephone – 882-200-3028**  
**Facsimile – 817-887-1269**  
**Cellular - 817-307-2525**  
**[www.cquentia.com](http://www.cquentia.com)**

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